IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 14459 of 2003

Between:

Government Degree College Employees Co-operative House Building Society Ltd.
Karimnagar Registred No. 1105/TD., rep by President G. Komurella Reddy
S/o Lachireddy, 63 years, R/o Karimnagar

..... PETITIONER

AND

1 The Governemnt of Andhra Pradesh rep by its Principal Secretary to the Revenue Department, Secretariat Buildings, Hyderabad
2 the Collector, Karimnagar District, Karimnagar
3 The District Revenue Officer, Karimnagar District, Karimnagar
4 The Revenue Divisional officer, Karimnagar Division, Karimnagar
5 The Mandal Revenue Officer (MRO) Karimnagar Mandal,Karimnagar

...RESPONDENTS

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.NO. 14459 OF 2003

ORDER:

1. This writ petition has been filed by the Government Degree College Employees Co-operative House Building Society Ltd., Karimnagar with a prayer to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent authorities in not handing over the land admeasuring Ac. 8-35 gts. In Sy.No.120 of Arepalli (Theegalaguttapalli) village of Karimnagar Mandal and also Ac. 2-18 gts. In Sy.No.120 of Arepalli (Theegalaguttapalli) village of Karimnagar Mandal to the petitioner society as illegal and arbitrary.

2. The petitioner is a society registered under registration No. 1105/TD. The society purchased the land in Survey No. 120 of Arepally village admeasuring Ac. 5-00 through registered sale deed document No. 1068/82. Ac. 4-39 gts. Under registered sale deed document No. 645/ 1982. Ac.8-34 gts under registered sale deed document No. 2381 of 1982 from the owners and pattedars. The Mandal Revenue Officer passed orders resuming the land to the Government vide Proceeding No. B1/950/96, dated 30-9-1996. The petitioner society questioned the orders of the Mandal Revenue Officer by filing appeal before the Revenue Divisional Officer and sought for restoration of the possession of the land to the petitioner society. The

Revenue Divisional Officer issued proceedings directing the Mandal Revenue Officer to restore the possession of the land to the petitioner's society. Ultimately, the Mandal Revenue Officer by proceeding dated 28-12-2002 ordered for restoration of the land admeasuring Ac.8-00. The grievance of the petitioner is that the land is not restored in spite of the proceedings passed by the Revenue Divisional Officer, District Revenue Officer and the Mandal Revenue Officer.

3. Counter affidavit has been filed by the respondents. One C.Parthasarathi has sworn to the counter affidavit. It is stated in the counter affidavit that beneficiaries had filed writ petition being W.P.No. 4155 of 2003 and obtained interim stay on 10-3-2003 in WPMP No. 5454/2003 and therefore, further proceedings with regard to restoration of the land to the petitioner could not be taken up. I deem it appropriate to refer para 7 of the counter affidavit and it is thus:

> *"In reply to para 6, it is submitted that in pursuance of the orders dated 27-11-2002 issued by the District Revenue Officer, the Revenue Divisional Officer, Karimnagar issued orders canceling (149) patta certificates videref. No. L/988/2001, dt. 1.2.2003 and sent for service. The Mandal Revenue Officer,Karimnagar issuedProceedings on 15-2-2003 to serve thecancellation orders and revert the above land to the Society. Pursuant to the above orders, the MRI-II along with Mandal Surveyor and Panchayat Secretary went to the village to serve the orders issued by the Revenue Divisional Officer, Karimnagar, but the house site allottees without receiving the cancellation order, attacked on the officials and manhandled them severely making the issue complicated one. In view of the above and to avert a law and order situation coercive steps could not be taken.*
>
> *It is further submitted that the beneficiaries viz. Bandela Sudhakar and (108) others filed W.P.No. 4155/2003 before the Hon'ble Court with a request neither to dispossess them nor to demolish their residential houses situated inSy.No.120. The Hon'ble High Court granted interim stay order dated 10-3-2003 in WPMP No. 5454 of 2003 in WP NO. 4155/2003. The W.P. is still pending. The WP may kindly be heard along with this case. Hence the contention of the petitioner Society that the respondent authorities not taking any steps to implement their own orders is not correct.".*

4. Heard the learned counsel for the petitioner and the learned Government Pleader

appearing on behalf of the respondents.

5. The learned counsel for the petitioner submits that the respondent authorities having issued proceeding for restoration are not giving effect to the proceedings and thus, the petitioner society is compelled to approach this Court by invoking jurisdiction under Article 226 of the Constitution of India.

6. The learned Government Pleader submits that due to interim stay granted by this Court in W.P.M.P.No. 5454 of 2003 in W.P.No.4155 of 2003 further proceedings could not be taken up with regard to restoration of the land to the petitioner society.

7. In view of the pendency of the writ petition filed by third parties, no further direction can be given in this writ petition with regard to the implementation of the orders on which the petitioner society is relying on. The petitioner is at liberty to approach the revenue authorities, as soon as the interim stay granted in WPMP No. 5454 of 2003 in W.P.No. 4155/2003 is vacated, seeking for restoration and thereupon, the respondents have to give effect to the proceedings already issued as expeditiously as possible.

8. Accordingly, the writ petition is disposed of. No order as to costs.

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B.Seshasayana Reddy,J

21st September, 2005.

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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W.P.NO. 14459 OF 2003

21st September, 2005.